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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-sixth session
Agenda item 20

IMPLICATIONS OF HUMANITARIAN ACTIVITIES FOR THE ENJOYMENT OF HUMAN RIGHTS

Mr. Bengoa, Mr. Bossuyt, Mr. Boutkevitch, Ms. Daes, Ms. Forero Ucros, Mr. Guissé, Mrs. Gwanmesia, Mr. Hatano, Mr. Hakim, Mr. Decaux, Mr. Khalil, Mr. Khan, Mr. Fix Zamudio, Mr. Lindgren Alves, Mr. Maxim, Mr. Ramadhane, Ms. Warzazi amd Mr. Yimer: draft resolution

Question of the implications for human rights of United Nations action, including humanitarian assistance in addressing international humanitarian problems and in the promotion and protection of human rights

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

1. Mindful that one of the purposes of the United Nations is to achieve international cooperation in solving problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion;

2. Considering that all States Members of the United Nations have the duty to respect and to promote respect for the basic principles of international law enshrined in Article 2 of the Charter of the United Nations, as well as to implement Articles 55 and 56;

3. Reaffirming the principles of the sovereignty and territorial integrity of States, and that it is the responsibility of each State to care for the victims of natural disasters and other emergency situations occurring on its territory;

4. Reaffirming also the functions and competence as established in the Charter for the principal organs of the United Nations, in particular those relating to the need to foster international cooperation to achieve the promotion of universal respect for and observance of the human rights and fundamental freedoms of all;

5. Aware of the growing involvement of the United Nations in providing and coordinating humanitarian assistance to the victims of disasters and other emergency situations;

6. Reaffirming the close relationship which exists between general international law, international humanitarian law, international human rights law, refugee law and humanitarian assistance;

7. Aware that effective United Nations actions in the humanitarian field require a comprehensive analysis of the relevant legal principles and norms in relation to international cooperation in the humanitarian and human rights spheres in the light of the provisions of the Charter of the United Nations and other applicable international norms, and that such United Nations actions would benefit from a thorough evaluation and clarification of the issues involved;

8. Recalling General Assembly resolution 45/100 of 14 December 1990, in which the Assembly reaffirmed the cardinal importance of humanitarian assistance for the victims of natural disasters and similar emergency situations;

9. Recalling also General Assembly resolution 45/102 of 14 December 1990, in which the Assembly encouraged the international community to contribute substantially and regularly to international humanitarian activities, and stressing, in this context, the importance of further developing international cooperation in the humanitarian field to facilitate better understanding, mutual respect, confidence and tolerance among countries and peoples, thus contributing to a more just and non-violent world;

10. Noting General Assembly resolution 47/120V of 18 December 1992, in which the Assembly, welcoming the increasing role of the United Nations system in

providing humanitarian assistance, encouraged the Secretary-General to continue to strengthen the capacity of the Organization in order to ensure coordinated planning and execution of humanitarian assistance programmes, drawing upon the specialized skills and resources of all parts of the United Nations system, as well as those of non-governmental organizations, as appropriate;

11. Noting also General Assembly resolution 48/116 of 20 December 1993, in which the Assembly, noting with concern that the number of refugees and other persons to whom the Office of the United Nations High Commissioner for Refugees was called upon to provide assistance and protection had continued to increase and that their protection continued to be seriously jeopardized in many situations as a result of, inter alia, the failure to respect and ensure their fundamental freedoms and human rights, reaffirmed its support for the High Commissioner's efforts to provide humanitarian assistance and protection, taking into account the complementarities of the mandates and expertize of other relevant organizations;

12. Welcoming the activities of the newly created Department for Humanitarian Affairs, which should be reinforced;

13. Bearing in mind General Assembly resolution 48/57 of 14 December 1993, in which the Assembly expressed its deep concern about the increasing number and growing magnitude and complexity of natural disasters and other emergencies and stressed the need for improved coordination within the United Nations system and the necessity for the Department of Humanitarian Affairs to collect and disseminate timely information on natural disasters and other humanitarian emergencies in order to provide early warning of a crisis, and to assess needs on a continuing basis;

14. Mindful of the complexity and sensitivity of United Nations humanitarian action currently being undertaken in a number of countries plagued by war or internal conflict;

15. Mindful also of the role of the Sub-Commission, as a body of independent experts in the field of human rights, in providing competent United Nations bodies with its views within its area of competence, with the aim of establishing, in a collective effort, a better understanding of the complex

interrelationship between human rights and humanitarian considerations, thereby providing the United Nations with a more secure foundation for future action;

1. Expresses its appreciation to Mrs. Claire Palley for her further preparatory document on the question of the implications of humanitarian activities for the enjoyment for human rights (E/CN.4/Sub.2/1994/39);

2. Reaffirms the important role of the United Nations system as a whole in encouraging international cooperation in order to protect and promote human rights, as well as to address natural and man-made disasters, provide humanitarian assistance and coordinate disaster relief;

3. Decides to recommend to the Commission on Human Rights the appointment of Mrs. Claire Palley as Special Rapporteur of the Sub-Commission on the question of the implications for human rights of United Nations action under the Charter, including humanitarian assistance, in addressing international humanitarian problems and in the promotion and protection of human rights;

4. Requests the Special Rapporteur to submit a preliminary report at its forty-seventh session, a progress report at its forty-eighth session and her final report at its forty-ninth session;

5. Invites the members of the Sub-Commission to submit to the Special Rapporteur their views on the question;

6. Requests the Secretary-General to provide the Special Rapporteur with all necessary assistance, including the resources required, to complete her study;

7. Recommends the following draft decision to the Commission on Human Rights for adoption:

"The Commission on Human Rights, taking note of resolution 1994/.. of .. August 1994 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, endorses the Sub-Commission's request to appoint Mrs. Claire Palley as Special Rapporteur on the question of the implications for human rights of United Nations action, including humanitarian assistance, in addressing international humanitarian problems and in the promotion and protection of human rights, also endorses the Sub-Commission's request to the Secretary-General to provide the Special Rapporteur with all the necessary

assistance, including the resources required, to complete her study, and proposes the following draft decision to the Economic and Social Council for adoption:

'The Economic and Social Council, taking note of Commission on Human Rights decision 1995/.. of .. 1995, authorizes the appointment of Mrs. Claire Palley as Special Rapporteur on the question of the implications for human rights of United Nations action, including humanitarian assistance, in addressing international humanitarian problems and in the promotion and protection of human rights, and also endorses the Sub-Commission's request to the Secretary-General to provide the Special Rapporteur with all the necessary assistance, including the resources required, to complete her study.'"